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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/631,609	08/04/2000	Takco Tanaami	000807	2753

7590 04/05/2002
Moonray Kojima
Box 627
Williamstown, MA 01267

EXAMINER

FORMAN, BETTY J

ART UNIT	PAPER NUMBER
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1634

DATE MAILED: 04/05/2002

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/631,609

Applicant(s)

TANAAMI, TAKEO

Examiner

BJ Forman

Art Unit

1634

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 March 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☒ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 31-35.

Claim(s) withdrawn from consideration: _____.


8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

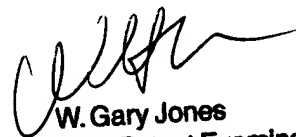
Continuation of 2. NOTE: The amendments will not be entered because the new claims raise many new issues e.g. in Claim 36, "planar substrate", "open ends having diameters which prevent biomolecules from dropping down by force of gravity under non-depositing conditions", "depositing conditions", "stopping applying of said voltage", "biomolecules are held within said plurality of capillaries by surface tension", "surface tension at said open ends which is greater than said gravity" and in Claim 38, "planar substrate", "open ends having diameters which prevent biomolecules contained within said plurality of capillaries from falling down by force of gravity under normal non-depositing state", "transfer means...for enabling said biomolecule to remain in said plurality of capillaries during said non-depositing state", "voltage means.....are deposited by force of gravity onto said sties of said planar substrate", and stopping means for stopping applying voltage" and "within said plurality of capillaries during said non-depositing state against force of gravity". Additionally, the amendments will not be entered because since Applicant has not pointed to support for the new amendments within the specification the amendments potentially raise issues of new matter.

Response to Arguments:

Applicant argue that Balch does not apply electric force to enable biomolecules to fall down through the opening during the depositing state in addition to end openings of a diameter to other wise hold the biomolecule in the capillaries during the non-depositing state when no electric is applied. Applicant further argues that Haff does not teach control application of electric field to enable biomolecules to fall down through the openings during the depositing condition and end openings of a diameter which prevents biomolecules from falling down during the non-depositing condition. Finally, Applicant argues that Balch teaches that priming (using pressure) and continuous flow of the probe solution through the capillaries is thereafter facilitated by electro-osmotic or electro-phoretic force and hence Balch does not teach or suggest use of surface tension at the capillary opening to stop the flow in a non-deposit condition combined with the use of electric to cause deposit against the surface tension force during the depositing condition.

The arguments have been considered but are deemed moot because they address the new claims and amendments which have not been entered. Therefore, the arguments are not relevant to the rejected claims.


BJ Forman, PhD.
Patent Examiner: 1634
1 April 2002


W. Gary Jones
Supervisory Patent Examiner
Technology Center 1600